

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372:

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

2. Group 1, claims 1-6 and 15, drawn to P2P service method comprising file sharing between peers based on membership information with a point value system corresponding to the size of file being downloaded, this subject matter deals with peer-to-peer sharing which is classified in class 709, subclass 231.

Group 2, claims 7-10, drawn to a method comprising the membership statuses of the peers, this subject matter includes members registration information which is classified in class 705, subclass 52.

Group 3, claim 11, drawn to a method providing a peer-to-peer service in a server, this subject matter includes resource access controlling which is classified as 709, subclasses 203/229.

Group 4, claim 12, drawn to a method providing a P2P service in a mobile communication terminal, comprising a search request on particular files stored in shared folder, this subject matter includes query processing classified in class 707, subclass 3.

Group 5, claim 13, drawn to a method comprising displaying users membership information and connecting to public community, this subject matter includes connection parameter setting classified in class 709, subclass 228.

Group 6, claims 14, drawn to a method to direct connection between peers, classified in class 709, subclass 227.

Group 7, claims 16-18, drawn to a system comprising different categories based on files in the shared folder, classified in class 709, subclass 203.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions 1-7 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, for example, invention 1 has a separate utility such as it is usable in a peer-to-peer service method for downloading files from a shared folder from another peer, membership information, transferring files (e.g. computer-to-computer data streaming) based on the point value system, classified in class 709, subclass 231. Relating to the other groups, lacks the consistency all the above limitations of group 1 and goes into more depth towards type of membership class/priority, displaying the subscribed users information in a public community, direct connection/fail connection attempt, file search results within the different categories/sub-folders from a selected user's shared folder, classified in class 709, subclasses 203/227/228 and class 707, subclass 3.

Since these inventions are distinct for the reasons given above and because the search required for each group is different. Also, since these groups are not co-extensive for

examination purposes because these groups would require different searches on PTO's classification class and subclass.

4. Restriction is required under 35 U.S.C. 121 to one of the above identified patentably distinct groups of designs. A reply to this requirement must include an election of a single group for prosecution on the merits, even if this requirement is traversed, 37 CFR 1.143. Any reply that does not include election of a single group will be held non-responsive. Applicant is also requested to direct cancellation of all drawing figures and the corresponding descriptions which are directed to the non-elected.

5. Should applicant traverse this requirement on the grounds that the groups are not patentably distinct, applicant should present evidence or identify such evidence now of record showing the groups to be obvious variations of one another. If the groups are determined not to be patentably distinct and they remain in this application, any rejection of one group over prior art will apply equally to all other embodiments. See Ex parte Appeal No. 315-40, 152 USPQ 71 (Bd. App. 1965). No argument asserting patentability based on the differences between the groups will be considered once the groups have been determined to comprise a single inventive concept.

6. In view of the above requirement, action on the merits is deferred pending compliance with the requirement in accordance with Ex parte Heckman, 135 USPQ 229 (P.O. Super. Exam. 1960).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARAK NISSAN whose telephone number is (571)270-3632. The examiner can normally be reached on Mon-Thurs 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on (571)-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B.N.
Patent Examiner

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